

your judges, that moment you are going to have your political cliques and caucuses got together to go to your two judges and get them to appoint this man or that man to office. What else do you do? You have already put a provision into the constitution electing judges for fifteen years. This gives power to the judges after they are elected to keep men on the bench as magistrates for that length of time.

I say if there is any truth in the principle that all government originates of right from the people, and the people have exercised this power in electing their magistrates, with all the other officers elected under the constitution, you have no more right to take away from the people the right to elect their magistrates and their constables than you have to take away the right to elect their judges. Where is the difference? Your magistrate's courts sit in cases to range from one cent up to \$100; and therefore are more intimately acquainted with the people of your State than the judges of your circuit courts. I venture to assert that nine-tenths of the cases tried in your State are tried before these very magistrates' courts. Still it is proposed to take this away from the people, and give that right to one man in a circuit composed of two counties in some cases, and in others of one; and to two judges in a population of 250,000 souls in the city of Baltimore.

I do not say that the judges now in power would not exercise the power rightfully. I believe they would. But gentlemen must understand that we are making a constitution for all time; and if you give the judges elected under it the power to appoint the magistrates, those magistrates may band together in certain cliques and caucuses and keep certain men in office. You cannot tell how far the principle is going to be carried, nor what corruption will be used in obtaining these offices. Our present judges are good, upright men; but it may turn out hereafter that we may have bad men in office. I am opposed to giving this power to the judges which of right belongs to the people. I am opposed to the amendment already adopted by this convention; but I take that as the less of two evils. The county commissioners are elected by the people once in every two years. The mayor and city council of the city of Baltimore are elected by the people once in every two years. And, therefore, coming fresh from the people, they are a great deal more capable of judging as to the qualifications of those who shall be appointed magistrates and constables in their respective wards and districts, than the judges of the circuit, elected from the counties at large. These are the views which will induce me to give my vote against this proposition.

Mr. DANIEL. It seems that my colleague is not so much opposed to the appointment of

magistrates by the judges as to the adoption of the appointive system at all. The whole force of his argument goes to the fact that all these officers should be elected by the people, and that we are destroying vital rights by taking this away. Every member knows that there is a very great difference of opinion about the appointment or election of all these officers, judges as well as others. As I said before, this convention has determined to elect the judges, while a great portion of the people had their hearts set on the appointment of the judges; that is to say, so far as I know, a vast portion of the people I talk with. Other gentlemen think otherwise. But that point has been yielded and decided by the convention. Now you propose, for the very lowest and smallest officers, not to gratify this other portion of the people at all, that they shall be elected by the people. You give these people no chance to come in, on any principle of compromise, and vote for your constitution and sustain it.

I believe further that more mischief arises from the election of constables and magistrates, than of judges, a great deal. It is these little offices that control. It is a sort of under current that controls. And the question of swapping off a low office for a higher one, frequently defeats a proper election for the more important offices. I shall not therefore undertake to reply to the remarks of my colleague with regard to the appointive and elective systems. I leave that to the convention to decide. They did decide by this amendment, as I understand it, by a very large vote, that they would not substitute the elective system for these officers for the appointive system.

As to my colleague's argument that little cliques will be formed to procure appointment by the judges, I suppose if the appointment is placed in the hands of anybody, county commissioners, the governor, or any other officers, there are people who will appeal to their friends to aid them in getting appointed. You cannot keep them from it. The same objection applies to anybody into whose hands you may put it. I wonder if these little cliques will not come around the mayor's office, if it is left in his hands. Will they not come around the county commissioners if it is left in their hands? I wonder whether they will be freer from improper influences than the judges of your courts, in the appointment of such officers. I think the judges, elected as they are, for fifteen years, would be placed far higher above all these little petty considerations. Their offices would not depend upon it at all. Their election would not depend upon it. They are in for fifteen years already. They have to review the decisions of the magistrates, and knowing these persons in the counties and in the city of Baltimore—because as we have re-districted the State, we